

Rulemaking and request for comments from interested parties, which concerns additional proposed amendments to the Board's substantive FMLA regulations to implement FEPLA. The Board also proposed to amend these regulations to update references to the OCWR's current administrative dispute resolution procedures, which were significantly amended by the CAA of 1995 Reform Act of 2018. The comment period ended 30 days from the date of publication of the Board's notice in the Congressional Record, i.e., on December 17, 2020. The Board is currently reviewing the comments it received and is preparing its Notice of Adopted Rulemaking for publication in the Congressional Record. The Board's Notice of Adopted Rulemaking will also constitute the resubmission for congressional approval of its 2016 amendments to its substantive FMLA regulations discussed above. Congressional approval of the Board's adopted FMLA regulations when they are resubmitted will be critical to implementing these expanded family and medical leave protections in the legislative branch.

#### THE BOARD'S USERRA REGULATIONS

On December 3, 2008, the OCWR Board of Directors adopted USERRA regulations to apply to the legislative branch. These regulations support our nation's veterans by requiring continuous health care insurance and job protections for the men and women of the armed services who have supported our country's freedoms. They signal a commitment to anti-discrimination, anti-retaliation, and job protections under USERRA.

Those regulations, transmitted to Congress over 10 years ago, have not yet been approved. As with the Board's FMLA regulations, however, it has become necessary to make additional amendments to these regulations to update references to the OCWR's current administrative dispute resolution procedures that were significantly amended by the CAA of 1995 Reform Act of 2018.

Approving the USERRA regulations when they are resubmitted for approval will assist servicemembers in attaining and retaining a job despite the call to duty. Approving USERRA regulations would signal congressional encouragement to veterans to seek work in the legislative branch where veteran employment levels have historically been well below the percentage in the executive branch, or even in the private sector, which is not under a mandate to provide a preference in hiring to veterans. Indeed, many reports have put the level of veteran employees on congressional staffs at 2-3 percent or less.

Congress has long focused on issues concerning the health, welfare, accessibility, and employment status of veterans on Capitol Hill. For example, the Veterans Congressional Fellowship Caucus, started in 2014, has supported efforts to bridge the gap between military service and legislative work. In addition, the Wounded Warrior Fellowship Program exists in the office of the Chief Administrative Officer of the U.S. House of Representatives where Members can hire veteran Fellows for 2-year terms. In the Senate, the Armed Forces Internship Program exists to provide on-the-job training for returning veterans with disabilities. Further, Public Law No. 115-364, signed into law in 2018, makes clear that disabled veterans in the legislative branch are covered under the provisions of the Wounded Warrior Act. As such, they may receive wounded warrior leave during their first year in the workforce for treatment for their service-connected disabilities.

An extension of these laudable efforts in support of our veterans should include the long-delayed passage of the Board's adopted USERRA regulations, which implement protections for initial hiring and protect

against discrimination based on military service. Congress can lead by example by applying the USERRA law encompassed in the CAA.

Approving the three sets of Board-adopted regulations outlined above would not only signify a continued congressional commitment to the laws of the CAA—which passed in 1995 with nearly unanimous bicameral and bipartisan support—but would ensure the effective implementation of the laws' workplace protections and benefits on behalf of the legislative branch workforce.

#### ENDNOTES

1. The Board has long advocated for legislation granting the OCWR General Counsel the authority to investigate and prosecute complaints of discrimination, harassment, and reprisal in order to assist victims and to improve the adjudicatory process under the CAA. On December 21, 2018, as we were in the process of finalizing the Section 102(b) Report for the 116th Congress, the CAA of 1995 Reform Act, S. 3749, was signed into law. As discussed in that Report, the Reform Act establishes new procedures that are also clearly intended to further these policy goals. Under these circumstances, the Board believes that the best course of action is to continue to evaluate the efficacy of the new Reform Act procedures before revisiting the issue of whether the OCWR General Counsel should be granted such investigatory and prosecutorial authority. Accordingly, this recommendation is not discussed further in this Report.

#### CONGRATULATING THE NATIONAL ACTIVE AND RETIRED FEDERAL EMPLOYEES ASSOCIATION

Ms. CORTEZ MASTO. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 76, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 76) congratulating the National Active and Retired Federal Employees Association on the celebration of its 100th anniversary on February 19, 2021, and recognizing the vital contributions its members have made to the United States over the past 100 years.

There being no objection, the Senate proceeded to consider the resolution.

Ms. CORTEZ MASTO. I ask unanimous consent that the resolution be agreed to; that the preamble be agreed to; and that the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 76) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

#### PUBLIC SCHOOLS WEEK

Ms. CORTEZ MASTO. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 77, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 77) designating the week of February 22 through February 26, 2021, as "Public Schools Week".

There being no objection, the Senate proceeded to consider the resolution.

Ms. CORTEZ MASTO. I know of no further debate on the resolution.

The PRESIDING OFFICER. Is there further debate?

If there is no further debate, the question is on agreeing to the resolution.

The resolution (S. Res. 77) was agreed to.

Ms. CORTEZ MASTO. I ask unanimous consent that the preamble be agreed to and that the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

#### ORDERS FOR MONDAY, MARCH 1, 2021

Ms. CORTEZ MASTO. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 3 p.m., Monday, March 1; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; further, that following the administration of the oath to swear in Sonceria Ann Berry as Secretary of the Senate and any leader remarks, morning business be closed, and the Senate proceed to executive session to resume consideration of the Cardona nomination; that at 5:30 p.m. the postcloture time on the nomination be considered expired and the Senate vote on confirmation of the nomination; finally, that if the nomination is confirmed, the motion to reconsider be considered made and laid upon the table with no intervening action or debate and the President be notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. CORTEZ MASTO. Senators should be prepared for two rollcall votes at 5:30 p.m. on Monday. Those votes will be on confirmation of Miguel Cardona to be Secretary of Education, followed by a cloture vote on Gina Raimondo to be Secretary of Commerce.

#### ADJOURNMENT UNTIL MONDAY, MARCH 1, 2021, at 3 P.M.

Ms. CORTEZ MASTO. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 3:04 p.m., adjourned until Monday, March 1, 2021, at 3 p.m.